



S/N 10/729,424

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael J. O'Phelan et al. Examiner: Eric Thomas
Serial No.: 10/729,424 Group Art Unit: 2831
Filed: December 5, 2003 Docket: 279.171US3
Title: IMPLANTABLE HEART MONITORS HAVING FLAT CAPACITORS WITH
CURVED PROFILES

RESPONSE TO RESTRICTION REQUIREMENT

MS: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Restriction Requirement dated August 11, 2004, Applicant submits that the Restriction Requirement is moot as it is based on canceled claims and fails to consider the new claims submitted in the Preliminary Amendment filed on August 11, 2004. A copy of this Amendment as filed and a copy of the stamped, return postcard acknowledging its receipt are attached.

Withdrawal of the Restriction Requirement is respectfully requested. Action on the currently pending claims, claims 40-60, is respectfully solicited.

Respectfully submitted,

MICHAEL J. O'PHELAN ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 359-3267

Date 8/31/04 By Peter C Maki
Peter C Maki
Reg. No. 42,832

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, MS: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31 day of August, 2004.

Name

Signature